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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,935	06/27/2000	Thomas P. Kicher	KICHP0102USA	4504
7590 10/18/2004			EXAMINER	
Jonathan A Platt Renner Otto Boisselle & Sklar LLP 19th Floor 1621 Euclid Ave Cleveland, OH 44115			PATEL, HARSHAD R	
			ART UNIT	PAPER NUMBER
			2855	
DATE MAILED: 10/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,935

Applicant(s)

KICHER ET AL.

Examiner

Harshad Patel

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 and 74-99 is/are pending in the application.
- 4a) Of the above claim(s) 3, 7-10, 13-18, 24, 26-29, 39-42, 46 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 11, 12, 19-23, 25, 30-38, 43-45, 47-50, 52, 53 and 74-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 4-6, 11, 12, 19-23, 25, 30-38, 43-45, 47-50, 52 and 53 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 78, 82 and 91 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 78, 82 and 91 recites the limitation "the at least one strain gage" and "one of the at least one strain gage". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4, 11, 12, 19-21, 30-38, 43-45, 47-50, 52, 53, 74-79, 83-88, and 92-94 are rejected under 35 U.S.C. 102(b) as being anticipated by Corser et al. (4,986,135) (hereinafter Corser).

Corser teaches all the features of the instant invention including a pressure transducer for a flow meter comprising a sensing tube (52), four strain gages on the sensing tube for measuring deformation of the portion of the sensing tube and a housing (88) at least partially surrounding and encircling the sensing tube. The strain gages are mounted opposites each other on opposite

Art Unit: 2855

surfaces (fig. 5). The sensing tube having an end attached to the housing and a central portion to which the strain gauge is mounted, wherein the end portion has a thicker wall than the central portion (fig. 22). The transducer includes 4 strain gages, two of which will measure axial strain and the other of the two will measure circumferential strain.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Corser.

Corser teaches all the features of the instant invention except for the pipe flange connection arrangement. It would be within the skilled individual to provided any known arrangement to connect the sensing tube to the main pipeline such as threaded junctions, welding or snap fitting. Such connections are inherent in order to connect the sensing tube to the pipeline.

9. Claims 22, 23, 25, 80-82 and 89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corser in view of Sakai et al. (5,949,118) (hereinafter Sakai).

Corser teaches all the features of the instant invention except for the section having a reduced diameter having a curved portion. Sakai teaches the use of a curved surface instead of a cornered surface. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to form a curved surface instead of a cornered surface since it is well known that stress is concentrated at flat angles compared to a curved surface thus crack are easily form in flat cornered joints versus the curved surface joints. A curved surface would provide additional thickness thus would prevent the element from cracking or fracturing.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harshad Patel whose telephone number is (571) 272-2187. The examiner can normally be reached on Monday-Thursday (7:00 AM-5:30 PM).



Harshad Patel
Primary Examiner
Art Unit 2855

hp
October 14, 2004